IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO : 5907 of 2005

Between:

Pallarapu Venu, S/o.Tirupalaiah,
Sarpanch Tadiparthi GP, Tadiparthi (V), Podalakuru (M),
Nellore District.

.....PETITIONER

AND

1 The District Collector, Nellore, Nellore District.
2 The District Panchayat officer, Zillaparishad compound, Nellore, Nellore District.
3 The Divisional Panchayat officer, Nellore.
4 The Mandal Parishad Developement officer, Podalakur Mandal, Nellore District.
5 The Mandal Revenue officer, Podalakur Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, direction, order or orders more particularly one in the nature of writ of certiorari calling for the records pertaining to ROC.No.3580/2004-A6, dt.28-2-2005 from the office of 2nd respondent and declare the same is malafidy, arbitrary, contrary to Sec.22(1) of A.P.Panchayat Raj Act and violative of principles of natural justice and consequentially quash the impugned proceedings in the interest of justice and pass such other order or orders as this Hon'ble court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.A.CHANDRAIH NAIDU

Counsel for the Respondents: MR.SRINIVAS DAMMALAPATI

The Court made the following :

ORDER:

On the ground that the petitioner incurred disqualification under Section 19(3) of A.P. Panchayatraj Act (for short 'the Act'), 2nd respondent (District Panchayat Officer) sent a communication in Roc.No.3580/2004-A6, dated 28.02.2005 under Section 22(1) of the Act to the petitioner informing him that he ceased to be Sarpanch on disqualification. Questioning which this petition is filed.

Since District court alone has jurisdiction to decide the question of disqualification of the petitioner as per Section 22(1) of the Act, I dispose of this petition with a direction to the respondents to approach the District Court for its decision on the disqualification of the petitioner under Section 22(1) of the Act and consequently the last paragraph of the proceedings dated 28.02.2005 issued by the respondents (impugned in this petition) that the petitioner is disqualified as a Sarpanch of the Grampanchayat in view of Section 19(3) of the Act is quashed. No costs.

22.03.2005.

MRKR

To

1 The District Collector, Nellore, Nellore District.
2 The District Panchayat officer, Zillaparishad compound, Nellore, Nellore District.
3 The Divisional Panchayat officer, Nellore.
4 The Mandal Parishad Developement officer, Podalakur Mandal, Nellore District.
5 The Mandal Revenue officer, Podalakur Mandal, Nellore District.

6 Two C.Cs to the Government Pleaer for Panchayat Raj, High Court Buildings, Hyderabad.

7 Two C.D.copies.

*Form-NIC-OGS/WP{**JA**}*